

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 275

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1003, IDAHO CODE, TO PROVIDE AN EXEMPTION TO CODE PROVISIONS CONCERNING THE EDUCATION SUPPORT PROGRAM AND A DECREASE IN AVERAGE DAILY ATTENDANCE AND TO PROVIDE A TERM OF PARTICIPATION IF NO EXEMPTION IS REQUESTED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1003, Idaho Code, be, and the same is hereby amended to read as follows:

33-1003. SPECIAL APPLICATION OF EDUCATIONAL SUPPORT PROGRAM. (1) Decrease in Average Daily Attendance. -- For any school district that has a decrease in total average daily attendance of three percent (3%) or more of its average daily attendance in the current school year from the total average daily attendance used for determining the allowance in the educational support program for the prior school year, the allowance of funds from the educational support program may be based on the average daily attendance of the prior school year, less three percent (3%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district. After applying the provisions of this subsection, the state department of education shall calculate the percentage of additional statewide support units to total statewide support units and shall then reduce each school district's support units by this uniform percentage. Any school district may choose to be exempt from the provisions of this subsection by so notifying the state department of education in writing on or before September 30 of the school year in which the school district chooses to be exempt. School districts that do not request such an exemption shall be subject to the provisions of this subsection for a period of five (5) years beginning on September 30 of the year in which the school district does not request an exemption. The provisions of this subsection shall not apply to public charter schools.

(2) Application of Support Program to Separate Schools/Attendance Units in District.

(a) Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

(b) Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of edu-

1 cation, special conditions exist warranting the retention of the school
2 as a separate attendance unit and the retention results in a substantial
3 increase in cost per pupil in average daily attendance above the average
4 cost per pupil in average daily attendance of the remainder of the dis-
5 trict's elementary grade school pupils. An elementary school operating
6 as a previously approved hardship elementary school shall continue to
7 be considered as a separate attendance unit, unless the hardship status
8 of the elementary school is rescinded by the state board of education.

9 (c) Separate Secondary School. -- Any separate secondary school shall
10 be allowed to participate in the educational support program as though
11 the school were the only secondary school operated by the district.

12 (d) Elementary/Secondary School Attendance Units. -- Elementary
13 grades in an elementary/secondary school will be funded as a separate
14 attendance unit if all elementary grades served are located more than
15 ten (10) miles distance by an all-weather road from both the nearest
16 like elementary grades within the same school district and from the lo-
17 cation of the office of the superintendent of schools of such district,
18 or from the office of the chief administrative officer of such district
19 if the district employs no superintendent of schools. Secondary grades
20 in an elementary/secondary school will be funded as a separate atten-
21 dance unit if all secondary grades served are located more than fifteen
22 (15) miles by an all-weather road from the nearest like secondary grades
23 operated by the district.

24 (e) Hardship Secondary School. -- Any district that operated two (2)
25 secondary schools separated by less than fifteen (15) miles, but which
26 district was created through consolidation subsequent to legislative
27 action pursuant to chapter 111, laws of 1947, and which school buildings
28 were constructed prior to 1935, shall be entitled to count the schools
29 as separate attendance units.

30 (f) Minimum Pupils Required. -- Any elementary school having less than
31 ten (10) pupils in average daily attendance shall not be allowed to par-
32 ticipate in the state or county support program unless the school has
33 been approved for operation by the state board of education.

34 (3) Remote Schools. -- The board of trustees of any Idaho school dis-
35 trict that operates and maintains a school that is remote and isolated from
36 the other schools of the state because of geographical or topographical con-
37 ditions may petition the state board of education to recognize and approve
38 the school as a remote and necessary school. The petition shall be in form
39 and content approved by the state board of education and shall provide such
40 information as the state board of education may require. Petitions for the
41 recognition of a school as a remote and necessary school shall be filed annu-
42 ally at least ninety (90) days prior to the date of the annual meeting of the
43 board of trustees as established in section 33-510, Idaho Code.

44 Within forty-five (45) days after the receipt of a petition for the
45 recognition of a remote and necessary school, the state board of education
46 shall either approve or disapprove the petition and notify the board of
47 trustees of its decision. Schools that the state board of education approves
48 as being necessary and remote shall be allowed adequate funding within the
49 support program for an acceptable educational program for the students of
50 the school. In the case of a remote and necessary secondary school, grades

1 7-12, the educational program shall be deemed acceptable when, in the opin-
2 ion of the state board of education, the accreditation standard relating to
3 staff size, established in accordance with the provisions of section 33-119,
4 Idaho Code, has been met. The final determination of an acceptable program
5 and adequate funding in the case of a remote and necessary elementary school
6 shall be made by the state board of education.

7 (4) Support Program When District Boundaries are Changed.

8 (a) In new districts formed by the division of a district, the support
9 program computed for the district, divided in its last year of opera-
10 tion, shall be apportioned to the new districts created by the division
11 in the proportion that the average daily attendance of pupils, elemen-
12 tary and secondary combined, residing in the area of each new district
13 so created, is to the average daily attendance of all pupils, elementary
14 and secondary combined, in the district divided in its last year of op-
15 eration before the division.

16 (b) When boundaries of districts are changed by excision or annexation
17 of territory, the support program of any district from which territory
18 is excised for the last year of operation before such excision shall be
19 divided, and apportioned among the districts involved, as prescribed in
20 paragraph (a) of this subsection.

21 (c) In new districts formed by consolidation of former districts after
22 January 1, 2007, the support program allowance, for a seven (7) year pe-
23 riod following the formation of the new district, shall not be less than
24 the combined support program allowances of the component districts in
25 the last year of operation before consolidation. After the expiration
26 of this period, the state department of education shall annually cal-
27 culate the number of support units that would have been generated had
28 the previous school districts not consolidated. All applicable state
29 funding to the consolidated district shall then be provided based on a
30 support unit number that is halfway between this figure and the actual
31 support units, provided that it cannot be less than the actual support
32 units.